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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In Re Application of:

James L. Gardiner

Application No.: 10/813,781

Filing Date: March 31, 2004

For: BEVERAGE CONTAINER

Confirmation No.: 5225

Group Art Unit: 3727

Examiner: Not Yet Assigned

DATE OF DEPOSIT: NOV. 23 2004

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*Frank T. Carroll*  
TYPED NAME: Frank T. Carroll  
REGISTRATION NO.: 42,392

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

## INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of

the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.116 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:
  - Certification in Accordance with § 1.97(e) is attached; or
  - The fee of \$180.00 as set forth in § 1.17(p) is attached.
- In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).
- Copies of reference numbers listed on the attached Form PTO-1449 are enclosed herewith.
- Copies of reference numbers - on the attached Form PTO 1449 are not required to be submitted pursuant to 37 CFR § 1.98(a)(2)(i).
- Copies of references **1 thru 16** are not being submitted because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application number **10/095,203**, filed **March 11, 2002** for which a claim for priority under 35 U.S.C. § 120 has been made in the instant application.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

Date: *NOV. 23 2004*

*FTC*  
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<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office		Docket No. <b>CC-3643</b>	Application No. <b>10/813,781</b>
		Applicant <b>James L. Gardiner</b>	
		Filing Date <b>March 31, 2004</b>	Group <b>3727</b>
		Confirmation No. <b>5225</b>	

**U. S. PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Name	Class	Subclass
	<b>1</b>	3,704,805	12/05/72	Sheafe III	220	906
	<b>2</b>	5,813,561	09/29/98	Chang, et al.	220	906
	<b>3</b>	5,497,896	03/12/96	Shand	220	906
	<b>4</b>	5,645,190	07/08/97	Goldberg	220	906
	<b>5</b>	5,715,964	02/10/98	Turner, et al.	220	906
	<b>6</b>	5,655,678	08/12/97	Kobayashi	220	906
	<b>7</b>	5,967,363	10/19/99	Allen	220	733
	<b>8</b>	5,501,362	03/26/96	Cudzik	220	906
	<b>9</b>	5,244,111	09/14/93	Merom	220	906

**FOREIGN PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO
	<b>10</b>	EP 0 165 639	12/27/85	EPO		
	<b>11</b>	DE 2 318 669	11/07/74	Germany		
	<b>12</b>	DE 195 24 427	01/25/96	Germany		
	<b>13</b>	DE 32 22 894	01/19/84	Germany		
	<b>14</b>	JP 9-058681	03/04/97	Japan		
	<b>15</b>	JP 4-311450	11/92	Japan		

**EXAMINER**

**DATE CONSIDERED**



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		Applicant <b>James L. Gardiner</b>	
		Filing Date <b>March 31, 2004</b>	Group <b>3727</b>
		Confirmation No. <b>5225</b>	

## U. S. PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Name	Class	Subclass
	16	6,425,493 B1	07/30/02	Gardiner		

## FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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